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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,326	03/03/2004	Paul Drew	200314587-1	4374

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EXAMINER	
LE, TAN	
ART UNIT	PAPER NUMBER
3632	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/792,326	DREW ET AL.	
	Examiner	Art Unit	
	Tan Le	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) *8-24* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Applicant's reply filed 12/04/06 is acknowledged. Claims 1-25 are pending.

Election/Restrictions

Applicant's election with traverse of invention group I, claims 1-7 in the reply filed on 12/04/06 is acknowledged. The crux of the traversal is on the ground that no serious burden of search for examiner when in the same class. This is not found persuasive and sufficient because applicant has failed to show why the instant Group I is not patentably distinct over Groups II-IV and provide the reason why there is not a serious burden in searches when search required for one group not required for the other as set forth under Section 803. If the invention between the groups are not patentably distinct, the applicant should clearly admit this on the record. Accordingly, the requirement is still deemed proper and is therefore made FINAL.

Note that claim 25 has been amended to depend upon claim 1 (Group I) the examiner will accept this claim as directed to group I. Accordingly, **claims 8-24** are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Corrections to Specification and abstract filed 6/7/06 have been entered.

Correction to drawings filed 6/07/07 is accepted.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 5-7 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,874,738 to Ishizaki et al.

Claim 1 reads on Ishizaki et al. as follows: Ishizaki et al. discloses an adjustable elevation of a display comprising: a first assembly (spiral spring) (2) (Figs. 1-2) configured to produce a fixed lifting force; a second assembly (53) configured to produce a user configurable friction force; a monitor support assembly (3, 4) operably connected to the first assembly (2) and the second assembly (53), the monitor support assembly configured to support a monitor and to have the fixed lifting force and the user configurable friction force counteract a vertical downward force produced by the monitor, and a monitor support assembly guide (1) configured to direct and constrain a vertical motion of the monitor support assembly.

As to claim 2, wherein the first assembly includes a spring (spiral spring 2)

As to claim 5, wherein the second assembly (53) includes one or more of, a user moveable lever (53A) configured to bear on one or more of, the monitor support assembly and the monitor support assembly guide to produce the friction force, and a user turnable screw (53B) in combination with 51, 52, 54) configured to bear on one or more of, the monitor support assembly, and the monitor support assembly guide to produce the friction force.

As to claim 6, wherein the second assembly includes one or more of, a user moveable friction plate (51, 52, 54) configured to bear on one or more of, the monitor support assembly and the monitor support assembly guide to produce the user configurable friction force and an arm (52) configured to bear on one or more of, the

monitor support assembly, and the monitor support assembly guide to produce the user configurable friction force.

As to claim 7, the recitation of claim 7 appears to be only in functional statement since the monitor is not claimed in claim 1. Therefore this functional statement has not been given patentable weight. Nevetheless, Ishizaki et al. teaches as such which includes a flat panel computer monitor (D) (Fig. 4).

As to claim 25, Ishizaki also discloses a stand including a base (11) (Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki et al.

Ishizaki et al. differs from claims 3 and 4 of the present invention in whether the monitor support assembly can be moved vertically by applying a force with a vertical component of less than ten Newtons to one or more of (claim 3), and/or of less than one Newton to one or more of, the monitor support assembly, and the monitor. Ishizaki et al does not specifically recite such force. However, to have select/apply such forces in order to move the monitor support assembly vertically is deemed obvious over Ishizaki et al. because it was obvious that the device of Ishizaki can be lifted the monitor support

assembly vertically by applying a certain force; and more specifically the device can be adjusted by loosening or tightening the nut 53 or changing the size of the coil 2 to a certain force in order to lift or counterbalance a certain weight of the monitor. Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a force with a vertical component of less than ten Newtons to one or more of or of less than one Newton to one or more of in order to move the monitor support assembly vertically. Absent of any teaching or criticality or providing an advantage or solving a state problem is also consider as an obvious matter of design choice. Therefore it would have also been an obvious matter of design choice to modify Ishizaki et al to obtain the invention as specified in claims 3-4.

Response to Arguments

Applicant's arguments filed 06/07/06, with respect to the rejections of claims 1-20 under 102(e) and 21-25 under (103(a) to Corner et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Ishizaki et al. with respect to claims 1-7 and 25. Claims 8-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

Conclusion

This action is made NON-FINAL>

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 7,036,787 to Lin

6,712,321 to Su et al.

4,395,010 to helgeland et al.

6,702,238 to Wang

The above patents disclose various types of adjustable support devices for a display panel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tan Le
February 7, 2007.

Cari D. Friedman
Supervisory Patent Examiner
Group 3600